

### REMARKS

Claims 18, 28 and 35-37 are amended and Claims 38 and 39 are added. Claims 18-39, as amended, remain in the application. No new matter is added by the amendments to the claims.

### The Rejections:

In the Office Action dated December 17, 2007, the Examiner rejected Claims 36 and 37 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 36 and 37 depend from independent Claims 35 and 18, respectively. Independent Claims 18 and 35 do not require that a usage parameter and an environmental parameter be present. Independent Claims 18 and 35 do not even require that either of these parameters be present. The claims recite "at least one of a usage parameter, an environmental parameter, and mechanical deterioration". Therefore, the limitations that set forth the metes and bounds of the claims merely require that one of the three operating parameters be present. Without a requirement that both the usage parameter and the environmental parameter be present the dependent claims fail to further limit the parent claim. The Examiner recommends, provided there is support in the specification, amending independent Claims 18 and 35 to require both a usage parameter and an environmental parameter.

The Examiner rejected Claims 18-20 and 22-35 under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer et al. (U.S. Patent Number: 6,363,359) in view of Ives et al. ("After the Sale: Leveraging Maintenance with Information Technology", MIS Quarterly, Vol. 12, No 1, March 1988, pp 7-21).

Regarding Claim 18, the Examiner stated that Gronemeyer discloses an apparatus for using data obtained from remote monitoring of customer equipment for service purposes to generate product sales offers to customers comprising:

An input means for receiving dynamic parametric data information related to electrical and mechanical operating parameters of customer equipment in the installation being remotely monitored for service purposes. (Col 2, lines 41 - 57) (The input means disclosed is not the sentinel as asserted in the amendments arguments but rather the mechanism inherently disclosed by the fact that the server receives a response from its query to the sentinel.);

15662

An equipment database storage device connected to said input means for receiving and storing said parametric data information in a form suitable for determining when to take corrective service action at the installation. (Col 5, lines 47-67) (Gronemeyer references a log file in this section that is transmitted to the server. The examiner has interpreted this, as presented in context, as a file of records relating to software and hardware on the consumers computer. A database is simply a large collection of organized data. As such, the log file as described is considered a database. In order for the server to perform operations on this database to determine the related products needed by the customer, it must inherently be stored in memory on the server. At a very minimum it would need to be stored in a temporary memory. Additionally, the examiner interprets parametric data to be data relating to parameters, measurements and values upon which the operation of a device relies. Therefore, information regarding the hardware and software on a computing system, which is included in the log file is parametric data.);

A product database storage device for storing product information related to characteristics of a plurality of products related to the customer equipment, said product information for each said characteristic including a Limit corresponding to a possible value of said parametric data information of an associated one of said operating parameters. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48) (In Col., lines 29-46 Gronemeyer discloses that a product database and a cross-reference database are obvious improvements that have previously been made in the art. As such, in Col 5, lines 47-67, when the server is describes as having goods and wares separated into different categories that interact with a log file to generates sales offers it inherently contains such databases); and

An offer generator means connected to said equipment database storage device and to said product database storage device for comparing a value of said stored parametric data information of a selected one of said operating parameters with at least one of said stored product information limits corresponding to said selected one operating parameter, said offer generator means generating a sales offer for a product associated with said limit directed to the customer associated with the customer equipment when said value and said limit have a predetermined relationship representing a maintenance requirement. (Col 3, lines 11 - 35; and Col 5, line 47 through Col 6, line 48) (The applicant asserts that Gronemeyer does not disclose the use of limits corresponding to possible values of parametric data related to operating parameters for creating

15662

offers. However, Gronemeyer specifically discloses the user of parametric data relating to computer hard drives for determining offers that are displayed to a customer)

While Gronemeyer does not explicitly state that the remotely monitored equipment includes at least one of an elevator installation and an escalator installation, it is disclosed that the remotely monitored "computing device may be a computer or other intelligent device, such as routers and switches, in addition to consumer devices such as telephones, radios, appliances, etc" (Col 9, lines 1 - 20). The analogous teaching of Ives further discloses intelligent elevators which have "self-diagnostic control systems that automatically notify Otis Elevator when maintenance is required (Ives: Page 13, Col 1, lines 3-19) as well as examples of the types of operating parameters that are monitored such as usage parameters (Ives: Page 12, Fig 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the system disclosed by Gronemeyer in an elevator or escalator installation. One would have motivated to monitor such installations in order to provide elevator companies with the "the means to monitor and control the service side of their business" (Ives: Page 8, Col 2, lines 19-23)

Regarding Claim 19, the Examiner stated that Gronemeyer and Ives disclose the apparatus according to Claim 18 including a customer database storage device connected to said offer generator means for receiving said sales offer and a web server connected to said customer database *storage device for sending said sales offer to the customer.* (Col 5, line 47 through Col 6, line 48)

Regarding Claim 20, the Examiner stated that Gronemeyer and Ives disclose the apparatus according to Claim 19 wherein said web server generates said sales of a on a web page for viewing by the customer. (Col 4, lines 34 - 42)

Regarding Claim 22, the Examiner stated that Gronemeyer and Ives disclose the apparatus according to Claim 18 including a customer database storage device connected to said offer generator means for receiving said sales offer, said customer database storage device verifying accuracy of said sales offer against customer information stored in said customer database storage device. (Col 7, lines 56 - 64)

Regarding Claim 23, the Examiner stated that Gronemeyer and Ives disclose the apparatus according to Claim 18 including a customer database storage device connected to said offer generator for receiving said sales offer, said customer database storage device using

15662

customer information stored therein for transmitting said sales offer to the customer. (Col 7, lines 56 - 64)

Regarding Claim 24, the Examiner stated that Gronemeyer and Ives disclose the apparatus according to Claim 18 wherein said input means includes an interface connected to the customer equipment for receiving said parametric data information, a data collector means connected to said equipment database storage device and data transfer means connected between said interface and said data collector means for transferring said parametric data information to said equipment database storage device. (Col 2, lines 41 - 57)

Regarding Claim 25, the Examiner stated that Gronemeyer and Ives disclose the apparatus according to Claim 18 wherein the product information includes information about devices and services related to the customer equipment. (Col 2, lines 41 - 57)

Regarding Claim 26, the Examiner stated that Gronemeyer and Ives disclose the apparatus according to Claim 1 wherein data regarding the hard drive capacity and the maximum available storage are gathered in order to facilitate a decision by the system (Col 3, lines 11-37). While Gronemeyer does not specifically state that a threshold is used, it would have been obvious to one having ordinary skill in the art at the time the invention was made to base this decision on a threshold. One would have been motivated to do so because the criteria supplied, hard drive capacity and available storage space, would readily lend themselves to calculating a percentage figure from which the threshold would be determined and a trigger point set. (i.e. Make offer if available storage space is less than 20% of the maximum capacity).

Regarding Claim 27, the Examiner stated that Gronemeyer and Ives disclose the apparatus according to Claim 1 wherein data regarding the hard drive capacity and the maximum available storage are gathered in order to facilitate a decision by the system (Col 3, lines 11-37). While Gronemeyer does not specifically state that a range is used, it would have been obvious to one having ordinary skill in the art at the time the invention was made to base this decision on a range. One would have been motivated to do so because the criteria supplied, hard drive capacity and available storage space, would readily lend themselves to calculating a percentage figure from which a range would be established. Any percentage falling within this range would then trigger the generation of an offer. (i.e. Make offer if available storage space is between 5% and 20% of the maximum capacity).

15662

Regarding Claim 28, the Examiner stated that Gronemeyer discloses a method of using data obtained from remote monitoring of customer equipment for service purposes to generate product sales offers, comprising the steps of:

Receiving dynamic parametric data information related to an electrical or mechanical operating parameter of customer equipment in an elevator installation or an escalator installation being remotely monitored for service purposes (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48);

Storing the parametric data information in an equipment database storage device in a form suitable for determining when to take corrective service action (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48);

Storing in a product database storage device product information related to a characteristic of at least one product including a limit corresponding to a possible value of the parametric data information (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48);

Comparing a value of the stored parametric data information with the limit (Col 1, lines 29-46; Col 3, lines 11 - 35 and Col 5, line 47 through Col 6, line 48); and

Generating a sales offer directed to a customer associated with the customer equipment when the value and the limit have a predetermined relationship representing a maintenance requirement (Col 1, lines 29-46; Col 3, lines 11 a 35 and Col 5, line 47 through Col 6, line 48).

The Examiner commented that while Gronemeyer does not explicitly state that the remotely monitored equipment includes at least one of an elevator installation and an escalator installation and the specific operating parameters associated with such, it is disclosed that the remotely monitored "computing device may be a computer or other intelligent device, such as routers and switches, in addition to consumer devices such as telephones, radios, appliances, etc" (Col 9, lines 1 - 20). The analogous teaching of Ives further discloses intelligent elevators which have "self-diagnostic control systems that automatically notify Otis Elevator when maintenance is required (Ives: Page 13, Col 1, lines 3-19) as well as examples of the types of operating parameters that are monitored such as usage parameters (Ives: Page 12, Fig 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the system disclosed by Gronemeyer in an elevator or escalator installation. One would have motivated to monitor such installations in order to provide elevator companies with the "the

15662

means to monitor and control the service side of their business" (Ives: Page 8, Col 2, lines 19-23).

Regarding Claim 29, the Examiner stated that Gronemeyer and Ives disclose the method according to Claim 28 including a step of storing in a customer database storage device customer information related to the customer and sending the sales offer to the customer based upon the stored customer information. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Regarding Claim 30, the Examiner stated that Gronemeyer and Ives disclose the method according to Claim 29 including sending the sales offer to the customer by at least one of regular mail, e-mail and a web page. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Regarding Claim 31, the Examiner stated that Gronemeyer and Ives disclose the method according to Claim 29 including using the customer information to verify, the accuracy of the sales offer. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48) (Since the sales offer sent to the customer is based upon the customer information, the accuracy of the offer in relationship to the customer information is inherently verified)

Regarding Claim 32, the Examiner stated that Gronemeyer and Ives disclose the method according to Claim 28 including a step of monitoring the customer equipment to generate the parametric data information. (Col 3, lines 11 - 37; Col 4, lines 25 - 33; and Col 7, lines 31 - 40; and Col 8, lines 11 - 14) (Applicant asserts that Gronemeyer requires a user to interact with websites for the remote monitoring to occur. The cited references disclose the operation of remote monitoring to occur without user intervention.)

Regarding Claim 33, the Examiner stated that Gronemeyer and Ives disclose the method according to Claim 28 wherein said step c. is performed by storing in the product database storage device product information related to characteristics of a plurality of devices and services. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Regarding Claim 34, the Examiner stated that Gronemeyer and Ives disclose the method according to Claim 28 including performing said steps a through b. for a plurality of operating parameters of the customer equipment. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Regarding Claim 35, the Examiner stated that Gronemeyer discloses an apparatus for using data obtained from remote monitoring of customer equipment for service purposes to generate product sales offers to customers comprising:

A data collector means for receiving parametric data information related to electrical and mechanical operating parameters of remotely monitored customer equipment being monitored for service purposes (Col 2, lines 41 - 57);

An equipment database storage device connected to said data collector means for receiving and storing said parametric data information in a form suitable for determining when to take a corrective service action (Col 5, lines 47-67);

A product database storage device for storing product information related to characteristics of a plurality of products related to the customer equipment, said product information for each said characteristic including a limit corresponding to a possible value of said parametric data information of an associated one of said operating parameters (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48);

An offer generator means connected to said equipment database storage device and to said product database storage device for comparing a value of said stored parametric data information of a selected one of said operating parameters with at least one of said stored product information limits corresponding to said selected one operating parameter, said offer generator means generating a sales offer for a product associated with said limit directed to the customer associated with the customer equipment when said value and said limit have a predetermined relationship representing a maintenance requirement (Col 3, lines 11 - 35; and Col 5, line 47 through Col 6, line 48);

A customer database storage device connected to said offer generator means for receiving said sales offer (Col 5, line 47 through Col 6, line 48); and

A web server connected to said customer database storage device for sending said sales offer to the customer (Col 4, lines 34 - 42).

While Gronemeyer does not explicitly state that the remotely monitored equipment includes at least one of an elevator installation and an escalator installation, it is disclosed that the remotely monitored "computing device may be a computer or other intelligent device, such as routers and switches, in addition to consumer devices such as telephones, radios, appliances, etc"

15662

(Col 9, lines 1 - 20). The analogous teaching of Ives further discloses intelligent elevators which have "self-diagnostic control systems that automatically notify Otis Elevator when maintenance is required (Ives: Page 13, Col 1, lines 3-19) as well as examples of the types of operating parameters that are monitored such as usage parameters (Ives: Page 12, Fig 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the system disclosed by Gronemeyer in an elevator or escalator installation. One would have motivated to monitor such installations in order to provide elevator companies with the "the means to monitor and control the service side of their business" (Ives: Page 8, Col 2, lines 19-23)

Regarding Claims 36 and 37, the Examiner stated that Gronemeyer and Ives disclose the apparatus according to claims 35 and 18 respectively. While Gronemeyer and Ives do not specifically recite that said usage parameter is one of run time, trips per hour and cycle times and said environmental parameter is one of temperature changes, utility power, and weather, common sense dictates that it would be obvious to one of ordinary skill in the art at the time the invention was made to include usage parameters that are specific to the intelligent device which is being monitored. The rationale for including such parameters is that each parameter one of a limited number of predictable factors that affect the maintenance requirements of an elevator or escalator installation.

The Examiner rejected Claim 21 under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer in view of Ives, in further view of Palme et al (RFC 2557, MIME Encapsulation of Aggregate Documents, such as HTML).

The Examiner stated that Gronemeyer and Ives disclose the apparatus according to claim 2 wherein said web server generates said sales offer as a web page (Col 6, lines 35-48). However, Gronemeyer does not specifically state that the generated web page is transmitted to the consumer using an email transportation protocol. In the analogous teachings of Palme, a method of encapsulating web pages in email documents is disclosed (Page 1, lines 18-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to send the generated sales offers via email. One would have been motivated to do so in order to provide potential customers with a reminder of the offer, in the event that the customer was not ready to make a purchasing decision during the browsing session.



**The Response:**

In response to the rejection of Claims 36 and 37 under 35 U.S.C. 112, second paragraph, Applicant amended Claims 36 and 37 and added Claim 38 and 39.

The Examiner rejected Claims 18-20 and 22-35 under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer in view of Ives.

Applicant amended Claim 18 to recite "an input means located at and connected to an elevator installation or an escalator installation for receiving dynamic parametric data information related to electrical and mechanical operating parameters of customer equipment in the installation being remotely monitored, said dynamic parametric data information being suitable for service purposes, said operating parameters including at least one of a usage parameter, an environmental parameter and mechanical deterioration" and "an equipment database storage device remote from the installation and connected to said input means for receiving and storing said dynamic parametric data information in a form suitable for determining when to take corrective service action at the installation based upon said dynamic parametric data information".

The Examiner stated that Gronemeyer has an input means for receiving dynamic parametric data information related to electrical and mechanical operating parameters of customer equipment in the installation being remotely monitored for service purposes. (Col 2, lines 41 - 57) According to the Examiner, the input means disclosed is not the sentinel as asserted in the amendment arguments, but rather the mechanism inherently disclosed by the fact that the server receives a response from its query to the sentinel. Applicant's Claim 18 recites that the input means is located at the elevator or escalator installation. The Gronemeyer web server obviously is located at a site remote from the client computing device 302.

Claims 18 and 35 recite that the dynamic parametric data information is suitable for service purposes. Claim 28 recites a step of "storing the dynamic parametric data information in an equipment database storage device in a form suitable for determining when to take corrective service action and taking corrective service action at the installation based upon the stored dynamic parametric data information".

The Examiner stated that Gronemeyer references a log file (Col 5, lines 47-67) that is transmitted to the server. The Examiner interprets parametric data to be data relating to

15662

parameters, measurements and values upon which the operation of a device relies. Therefore, information regarding the hardware and software on a computing system, which is included in the log file is parametric data.

The Examiner's interpretation of "parametric data" does not apply to that term as used in Applicant's description and claims. As explained on Page 6, Lines 20-32, the parametric data represents the process operating conditions of the customer equipment. Therefore, it is dynamic data that is subject to changes as the customer installation being monitored is operated.

In contrast, Gronemeyer ( Col. 2, Lines 41-65) discloses that the server interacts with a sentinel that resides on the client computing device. The sentinel is responsible for inspecting the client computing device and for determining the needed goods (software or hardware) based on the static configuration data of the inspected device. The configuration of the currently installed hardware and software is not changing during operation of the client computing device. Also note that the Gronemeyer sentinel is queried only when the client web browser contacts a web site of a provider of goods or services. (Fig. 1; Step 56) Thus, the server receives only the static data in the log file at the time of the query.

Claims 18, 28 and 35 recite that the equipment database storage device receives and stores the dynamic parametric data information in a form suitable for determining when to take corrective service action at the installation based upon the dynamic parametric data information. Gronemeyer does not mention determining when to take corrective service action at the installation based upon the log file data.

As recited in Applicant's claims, the dynamic parametric data generated by the monitored equipment (functional, performance and environmental data) are all stored in a remote database. A remote monitoring computer evaluates the dynamic parametric data and monitors and handles the data being out of predetermined values.

Ives (Page 13, Col. 1, Lines 3-19) merely states that Otis Elevator has begun equipping elevators with self-diagnostic control systems that automatically notify OTIS when maintenance is required. No details about the system are given. The combination of Gronemeyer and Ives teaches an offering system for computers and spare parts used in elevator systems whereas the need for replacement is based on static data and not on generated dynamic parametric data.

Palme describes MIME formatted messages for transmission of complete multi-resource HTML multimedia documents and does not provide the missing claimed subject matter.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.